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July 22, 1982



Edward J. Schwartzbauer
Dorsey, Windhorst, Hannaford,
Whitney & Halladay
2300 First National Bank Building
Minneapolis, Minnesota 55402

Dear Mr. Schwartzbauer:

Re: United States v. Reilly Tar & Chemical
Corporation, D. Minn., Civil No.
4-8C-469

You were advised by letter dated February 25, 1981 that the United States Environmental Protection Agency (U.S.EPA) had determined pursuant to Section 104 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) that there had been a release and continued to be a substantial threat of release of hazardous substances into the environment from the former Reilly Tar & Chemical Corporation (Reilly Tar) site in St. Louis Park, Minnesota. You also were advised that U.S. EPA had determined that your client, Reilly Tar, was legally responsible for taking response actions to abate the hazard being presented by such releases.

Consequently, it was requested that your client develop a remedial action plan for the site. By letter dated March 3, 1981, Reilly Tar declined to initiate such efforts. Further, by letter dated September 9, 1981 your client declined to reimburse the United States for response costs which the government was incurring because of Reilly Tar's decision not to undertake response actions.

U.S. EPA would like to advise Reilly Tar that further response actions are being planned to be undertaken in the very near future. The scope of work includes the following:

- (1) Properly abandon or reconstruct multi-aquifer wells that are contributing to the transport of contaminants into drinking water aquifers.
- (2) Conduct field tests to assess the impact of hydraulic stresses on aquifers for purposes of planning a gradient control well system similar to that proposed in the November, 1981 "Study of Ground Water Contamination in St. Louis Park, Minnesota," prepared by Eugene A. Niekirk and Associates.

- (3) Complete feasibility studies and related work for treatment of contaminated soils and upper aquifers.

The U.S. EPA and the State of Minnesota Pollution Control Agency are currently negotiating a cooperative agreement that would provide funds for these response actions at the Reilly Tar site. Pursuant to Section 107 of CERCLA, 42 U.S.C. §9607, Reilly Tar may be held liable for reimbursing the government for its costs.

Reilly Tar, therefore, is hereby being offered an opportunity to undertake the response actions specified above, provided that an acceptable work plan is received by U.S. EPA within thirty (30) days from your receipt of this letter. Please advise me in writing within ten (10) days whether Reilly Tar intends to submit such a work plan, with a copy to Paul Bitter, On Scene Coordinator, United States Environmental Protection Agency, 5NR-TUE, 111 W. Jackson Blvd., Chicago, Illinois 60604.

Sincerely,

Assistant Attorney General
Land and Natural Resources Division

By

Erica Delgin
Attorney, Environmental Enforcement Section

cc. Paul Bitter
Robert Leininger
Deborah Wottle
Stephen Shakman
Allen Hinderaker
Lucy Sibold
Frank Hermann